

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

VS.

Criminal Case No: 3:21-CR-107

GILBERT MCTHUNEL II, et al.

**DEFENDANT GILBERT MCTHUNEL II'S JOINDER TO MOTION TO
SUPPRESS [DOC.74] AND MEMORANDUM OF AUTHORITIES IN SUPPORT
OF MOTION TO SUPPRESS [DOC.75]**

COMES NOW, the Defendant, GILBERT MCTHUNEL II ("Mr. McThunel"), by and through counsel, and files this his Joinder to the Motion to Suppress Evidence [**Doc. 74**] and Memorandum of Authorities In Support of Motion To Suppress [**Doc.75**] filed by Jamarr Smith.

1. Mr. McThunel moves the Court for the same relief sought, i.e., that all physical evidence and statements obtained pursuant to the warrant be suppressed at trial or during any further proceedings in this matter. This request is based on the violations of the Fourth Amendment to the Constitution of the United States and its Fifth Circuit progeny.

2. The search and seizure of Mr. McThunel's cell phone location violated constitutional standards, and any evidence seized and statements made must be suppressed as "fruit of the poisonous tree." *Wong Sun v. United States*, 371 U.S. 471 (1963).

3. If deemed necessary or desirable by the Court, Mr. McThunel respectfully requests to participate in any evidentiary hearing on that Motion to Suppress Evidence [**Doc.74**] made on behalf of co-defendant, Jamarr Smith.

WHEREFORE PREMISES CONSIDERED, the Defendant, Gilbert McThunel, II, respectfully requests that the Court upon consideration of this joinder will grant the relief requested.

RESPECTFULLY SUBMITTED, on this the 8th day of November, 2022.

GILBERT MCTHUNEL, II,
Defendant

BY: /s/ Paul Chiniche
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CERTIFICATE OF SERVICE

I, PAUL CHINICHE, attorney for the Defendant, GILBERT MCTHUNEL, II, in the above and foregoing action, do hereby certify that I have electronically filed the above and foregoing with the Clerk of the United States District Court using the ECF system which sent notification of such filing to the following:

Robert Mims, AUSA
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Goodloe Lewis, Esq.
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(Counsel for Defendant Jamarr Smith)

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SO CERTIFIED this the 8th day of November, 2022

/s/ Paul Chiniche
PAUL CHINICHE